

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JDS TWO, LLC)
v.) No. 3-12-0349
RON SAPP; and THOMAS KEATING)

O R D E R

Pursuant to the order entered June 21, 2012 (Docket Entry No. 15), the initial case management conference was rescheduled to August 29, 2012, at which time counsel for the plaintiff appeared but no appearance was made by either defendant. Default was entered by the Clerk against both defendants on June 18, 2012 (Docket Entry No. 13). Although defendant Keating has not filed a motion to set aside the entry of default, he filed an answer on July 10, 2012 (Docket Entry No. 20). Plaintiff's counsel advised that he had emailed defendant Keating the week of August 20, 2012, but had not received a response, and that he had had no recent communication with either defendant, other than receiving defendant Keating's answer.

By contemporaneously entered order, the Court has approved and entered the plaintiff's proposed initial case management order with modifications addressed on August 29, 2012. Those modifications and other matters addressed on August 29, 2012, are as follows:

1. Without objection from the plaintiff, the entry of default (Docket Entry No. 13) is hereby MODIFIED to VACATE the entry of default against defendant Keating, in light of the answer filed by defendant Keating. The entry of default against defendant Sapp remains in full force and effect.

2. The portion of the plaintiff's proposed order providing that the parties would serve initial disclosures in accord with Rule 26(a)(1) of the Federal Rules of Civil Procedure has been deleted in light of the parties' pro se status and their lack of participation in this action to date.

3. The contemporaneously entered order provides that all written discovery and all depositions of fact witnesses shall be completed by November 30, 2012. That means that all written

discovery shall be served no later than October 31, 2012, so that responses to written discovery shall be served by November 30, 2012.

4. Any discovery motion shall be filed by December 17, 2012. Alternatively, the parties may schedule a telephone conference call with the Court no later than December 17, 2012, to address any discovery issues or disputes.

5. Any motions to amend the pleadings shall be filed by December 17, 2012.

6. Plaintiff's counsel advised that the plaintiff would not use any experts. Therefore, the parties shall not use any experts in this case and the provision in the plaintiff's proposed order relating to disclosure and discovery of experts has been deleted.

7. As provided in the contemporaneously entered order, any dispositive motion shall be filed by March 15, 2013. Any response shall be filed within 21 days of the filing of the motion or by April 5, 2013, if the motion is filed on March 15, 2013. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by April 19, 2013, if the response is filed on April 5, 2013.

No other filings in support of or in opposition to any dispositive motion shall be made except with the express permission of the Honorable Todd J. Campbell.

Memoranda in support of or in opposition to any dispositive motion shall not exceed 25 pages.

No party shall file more than one Rule 12 motion to dismiss or more than one Rule 56 motion for summary judgment.

The portion of the plaintiff's proposed order addressing motions for partial summary judgment has been deleted.

8. By separate order, the Court has scheduled a hearing on the plaintiff's motion for default judgment against defendant Sapp (Docket Entry No. 19), in accord with the order entered July 30, 2012 (Docket Entry No. 24).

In light of the above scheduling deadlines, it is recommended that a bench trial be scheduled no earlier than July 23, 2013. Plaintiff's counsel anticipates that the trial will last one (1) day.

The Clerk is directed to mail a copy of this order and the contemporaneously entered case management order to the address listed on the docket for defendant Keating and to defendant Ron Sapp at 3074 Roxbury Ct., West Linn, Oregon 97068, by regular, first class mail and by certified mail.

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge